

Application No. 10/568,528
Amendment dated October 8, 2008
Reply to Office Action of July 8, 2008

Docket No.: 4914-0104PUS1

AMENDMENTS TO THE DRAWINGS

The attached sheet(s) of drawings includes changes to Figure 2.

Attachment: Replacement sheet

REMARKS

Applicants thank the Examiner for the thorough consideration given the present Application.

Claims 1, 2, 4-8, and 10 are now pending in this application. Claims 4, 5, and 6 have been amended. Claims 3 and 9 have been cancelled herein without prejudice. No new claims have been added. Claim 1 is the independent claim.

Amendment to the Drawings, Figure 2

No new matter has been added to the drawing. Specifically, an element representing a reflector has been inserted into Figure 2 to complete what was an obvious unintentional oversight in the original drawing. The attached sheet(s) of drawings includes changes to Figure 2. Without the correction, the light path "L2" would appear to turn a 90-degree corner without the use of a reflector. The addition of the reflector is consistent with the Disclosure, the original figure and the bending of light indicated in similar circumstances on the drawing, and the other figures.

Accordingly, Applicants respectfully request the substitution of the Amended Figure 2 for the figure originally filled with this Application.

Claim Objections

The Examiner objected to claims 3-5 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants appreciate the Examiner's suggestion and have amended the claims as indicated. The subject matter of Claim 3 has been amended into Claim 1, and Claim 3 was cancelled accordingly. The language of Claim 3 was altered slightly to accommodate the incorporation.

In addition, Claim 1 was amended to remove the language claiming an “optical delay unit” that was identified as the same feature as the “optical-path-length varying unit,” which was also claimed. See, Disclosure, paragraph [0046], as follows: “41, 42 optical-path-length varying unit or optical delay unit,” identifying elements 41 and 42 in Figure 2. No new matter was introduced into the claim and it is believed that the amendment clarifies the claim and removes ambiguity.

Claims 4 and 5, which previously depended from Claim 3, are amended to now depend from amended Claim 1.

Claim 6 was amended to reflect the cancellation of Claim 3.

Claim 9 has been cancelled.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejects claims 1, 2 and 9 under 35 U.S.C. § 102(b) as being anticipated by JP 2000-275105 issued to Seiji (hereinafter “Seiji”).

Applicants respectfully submit that the ground of rejection is moot because of the current amendments, as follows:

Claim 1 has been amended to include the subject matter indicated to be allowable from Claim 3, and is accordingly believed to now be in allowable form.

Claim 2 is believed to be allowable in that it depends from Claim 1, which is now believed to be in allowable form.

Claim 9 has been cancelled, and the rejection as to that Claim is believed to now be moot.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 6-8 under U.S.C. § 103(a) as being unpatentable over Seiji, and rejects claim 10 under U.S.C. § 103(a) as being unpatentable over Seiji in view of U.S. Patent No. 5,227,861 issued to Nishizawa et al. (hereinafter "Nishizawa"). These rejections are respectfully traversed. Although the fact is not immediately applicable to the present Office Action, Applicants respectfully note for the Examiner's information that the inventor "Seiji Nishizawa" named in the above cited reference is the same inventor as in the present Application. Further, the inventor in the reference "Nishizawa," as cited above, is also the same inventor as "Seizi Nishizawa" in the present Application.

Applicants respectfully submit that the ground of rejection is moot because of the current amendments, as follows:

Claim 1 has been amended to include the subject matter indicated to be allowable from Claim 3, and is accordingly believed to now be in allowable form.

Claims 6-8 and 10 are believed to be allowable in that they depend from Claim 1, which is now believed to be in allowable form.

CONCLUSION

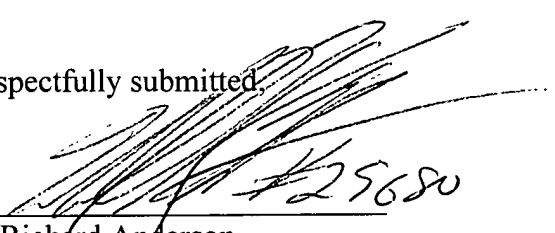
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson, Reg. No. 40,439, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: October 8, 2008

Respectfully submitted,

By 
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant